

REMARKS

Claims 1-27, 37 and 39 remain pending in the application, with claims 1, 37 and 39 being the independent claims. Reconsideration and further examination are respectfully requested.

Initially, Applicants' attorney thanks the Examiner for the telephonic interview conducted on January 12, 2005. During that interview, the current objection and rejection under 35 USC § 112, first paragraph, were discussed. The Examiner stated that the objection and rejection would be withdrawn if the recited limitation, "wherein the value ... fluctuates without further investment by the owner," were to be deleted from the claims. This has been done above and, therefore, such withdrawal is respectfully requested.

The only other claim amendments set forth above are intended merely to correct certain typographical errors and minor inconsistencies in the claim language. By making such corrections and by eliminating the § 112 rejection, the present amendment is believed to place the case in better condition for appeal, if that should become necessary. Moreover, the necessity of the present amendment was not previously discovered, as the § 112 rejection was only presented in the most current Office Action and Applicants just became aware of the indicated typographical errors and inconsistencies. Accordingly, entry of the above amendments is believed proper and is respectfully requested in accordance with the provisions of MPEP § 714.13.

During the telephonic interview, the Examiner and Applicants' attorney also discussed the present prior-art rejections, principally over U.S. Patent 3,270,310 (Lambert). The Examiner initially asserted that Lambert determines a measure of

tendency to change value as an intermediate step in arriving at the pricing formula set forth in column 1 line 32 of Lambert's disclosure.

In response, Applicants' attorney pointed out that this portion of Lambert generates a price estimate by using a simple weighted combination of certain variables, where the weighting coefficients are constant values that have been obtained in a manner designed to minimize some measure of overall error. Thus, even if Lambert's weighting coefficients are seen as measures of the tendency of an asset value to change, such measures are simply constant values. Lambert does not appear to disclose or to suggest, in any manner whatsoever, a *formula* for calculating a measure of the tendency of an asset value to change as a result of changes in the data values for exogenous variables, *where the formula itself is a function of the exogenous variables*.

Similarly, Lambert does not say anything at all about *using* such a formula *together with projected data values for the exogenous variables* to estimate a measure of the tendency of the asset value to change based on a change in at least one of the exogenous variables. In fact, Lambert's "tendencies to change" are simply constant values (i.e., the constant coefficients of his pricing formula). As a result, Lambert could not possibly have provided any motivation to determine a tendency to change value as presently recited (i.e., using a formula and projected data values for exogenous variables).

In short, Lambert fails to show at least the features of: (i) obtaining a formula for calculating a measure of the tendency of the value of an asset to change as a result of changes in the data values for certain exogenous variables, where the formula itself is a function of such exogenous variables; and (ii) using the formula and projected data

values for the exogenous variables in order to estimate a measure of the tendency of the value of the asset to change based on a change in at least one of the exogenous variables.

In response to these points, the Examiner requested that the independent claims be amended to clarify the above features of the invention. However, after studying this request at length, Applicants still are unable to provide language that it is clearer than what already is recited in the claims. The present claim language already requires the obtaining of a formula for calculating a measure of an asset value's tendency to change based on a change in at least one exogenous variable, where the formula itself is a function of the exogenous variables (rather than simply a constant value, as in Lambert). This feature of the invention is further emphasized by the recited feature that an actual measure of the asset value's tendency to change is estimated using the formula together with projected data values for the exogenous variables.

Again, as noted above, nothing in Lambert comes close to suggesting these features. Rather, Lambert only appears to implicitly utilize a *constant* measure of the tendency of an asset's value to change based on a change, with respect to each of plural different variables. The only formula utilized in the cited portion of Lambert is a pricing formula, not a formula for calculating a measure of a tendency of an asset's value to change.

For at least these reasons, independent claims 1, 37 and 39 are believed to be allowable over the applied the art. In addition, the dependent claims recite additional features that further distinguish the present invention from the applied art.

As one example, dependent claim 21 recites a type of asset screening based on the assets' values' tendency to change (as estimated in claim 1) across plural different assets. Neither Lambert nor U.S. Patent 6,125,355 (Bekaert), the other reference applied in rejecting claim 21, says anything at all about such screening.

In order to sufficiently distinguish Applicants' invention from the applied art, the foregoing remarks emphasize several of the differences between the applied art and Applicants' invention. However, no attempt has been made to categorize each unobvious difference. Applicants' invention comprises all of the elements and all of the interrelationships between those elements recited in the claims. It is believed that for each claim the combination of such elements and interrelationships is not disclosed, taught or suggested by the applied art. It is therefore believed that all claims in the application are fully in condition for allowance, and an indication to that effect is respectfully requested.

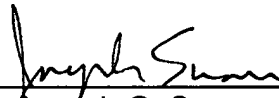
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Respectfully submitted,

MITCHELL, SILBERBERG & KNUPP LLP

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By



Joseph G. Swan
Registration No. 41,338

MITCHELL, SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064
Telephone: (310) 312-2000
Facsimile: (310) 312-3100